



3636

AMO
#14
7/15/03IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of) Examiner: Stephen)
Richard C. Robertshaw) Group Art Unit: 3636)
Serial No.: 09/643,551) File No: 567P)
Filed: August 22, 2000)
For: SPINAL GLIDE ERGONOMIC) San Francisco, California)
CHAIR SEAT AND PELVIC)
STABILIZER)
)

Hon. Commissioner of Patents
P.O. Box 1450
Alexandria, VA 22313-1450
Sir:

I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS BEING
DEPOSITED WITH THE UNITED STATES POSTAL SERVICE AS
FIRST CLASS MAIL IN AN ENVELOPE ADDRESSED TO:
COMMISSIONER OF PATENTS P.O. BOX 1450, ALEXANDRIA,
VA, 22313-1450

ON 7-2-03
THOMAS M. FREIBURGER
SIGNED Thomas M. Freiburger
DATE 7-2-03 7-2-03

RESPONSE TO OFFICIAL ACTION

This is in response to the official action mailed May 27, 2003, and also follows a telephone conference with Examiner Stephen Vu on June 30, 2003.

In the recent non-final action, the Examiner rejected claims 5 and 9-11 as anticipated by Berg Patent No. 2,799,323. The Examiner and the undersigned attorney discussed the Berg patent disclosure in the interview of June 30.

As pointed out to the Examiner, Berg 323 actually falls short of disclosing the elements required in claims 5 and 9-11 of this application. The Berg patent shows separately articulated seat sections at left and right of a chair construction.

However, each seat section is bearing-mounted for rotation on two axes: a longitudinal axis and a transverse axis. This is clear from Figs. 1, 2, 4 and 6 of the Berg patent. The bearing mounts fix these seat sections against any movement other than the roll and pitch motion allowed by the axes of rotation. This absolutely prevents (a) gliding motion and (b) yaw rotation. Glide movement alone, or in combination with one of the rotational movements permitted under the invention, is well defined by reference to the specification and is labeled in the drawings. In particular, see Figs. 3-14 of the drawings.

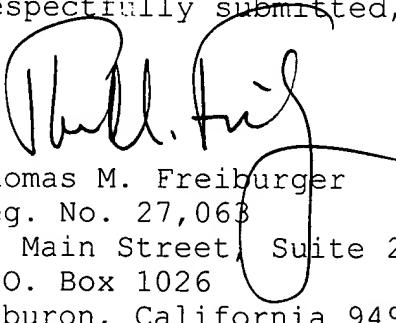
Examiner Vu seemed to agree that the requirements of the claims are not met by Berg and in fact are prevented by Berg. The earlier cited references also fail to show the combination of features now claimed.

Thus, claims 5 and 9-11 would appear to be allowable, and allowance is respectfully requested.

However, if the Examiner believes any issue remains, a telephone call to the undersigned would be appreciated.

Respectfully submitted,

July 2,
Date: June 30, 2003


Thomas M. Freiburger
Reg. No. 27,063
55 Main Street, Suite 200
P.O. Box 1026
Tiburon, California 94920
415-435-0240